

REMARKS

Claims 1-17 have been canceled without prejudice or disclaimer. Claims 18-35 have been added and therefore are pending in the present application. Claims 18-35 are supported by the specification and claims as originally filed.

It is respectfully submitted that the present amendment presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the above amendments and the following remarks is requested.

I. Claim Objections

Claim 1 is objected to because it allegedly continues to be directed to both elected and non-elected subject matter. Applicants respectfully submit that this objection is rendered moot by the new claims.

Claim 1 is objected to because it recites the abbreviation "CGtase" without providing its expansion. The abbreviation "CGtase" is well-known in the art. However, in order to expedite prosecution, the claims now recite "cyclomaltodextrin glucanotransferase."

Claim 16 is objected to for misspelling the word "cyclodextrin." Applicants respectfully submit that this objection is rendered moot by the new claims.

For the foregoing reasons, Applicants submit that the claims overcome the objections.

II. The Rejection of Claims 11 and 12 under 35 U.S.C. 112

Claims 11 and 12 are rejected under 35 U.S.C. 112, second paragraph, as indefinite for recitation of an improper Markush group. Applicants respectfully submit that this rejection is rendered moot by the new claims.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 112. Applicants respectfully request reconsideration and withdrawal of the rejection.

III. The Rejection of Claims 12 and 13 under 35 U.S.C. 112

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, on the basis that a deposit of a microorganism appears to be required.

Applicants respectfully submit that this rejection is rendered moot by the amendments to the claims. Applicants respectfully request reconsideration and withdrawal of the rejection.

IV. The Rejection of Claims 1-2 and 11-17 under 35 U.S.C. 102(a)

Claims 1-2 and 11-17 stand rejected under 35 U.S.C. 102(a) as being anticipated by Dijkhuizen et al. (WO 96/33267). This rejection is respectfully traversed.

Dijkhuizen et al. disclose CGTase variants. However, Dijkhuizen et al. do not disclose the variants claimed herein. Applicants submit that the claims overcome this rejection under 35 U.S.C. 102. Applicants respectfully request reconsideration and withdrawal of the rejection.

V. Obviousness-Type Double Patenting Rejection

Claims 1-2 and 11-17 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-3 of U.S. Patent No. 6,004,790. Applicants submit a terminal disclaimer herewith obviating the double patenting rejection.

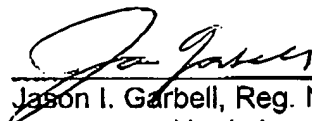
Applicants respectfully request reconsideration and withdrawal of the rejection.

VI. Conclusion

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: June 3, 2003



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